

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Final Office Action dated April 9, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-19 are pending in the Application.

In the Final Office Action, claims 1-19 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,071,671 to Glushko ("Glushko"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-19 are allowable over Glushko for at least the following reasons.

Glushko shows "a fluorescent 3-D optical memory device implementing an active medium capable of storing information at high information density ..." (See, Glushko, abstract.)

Glushko states referring to FIG. 7 cited in the Office Action(emphasis added):

With reference to FIG. 7 it is schematically shown that after selective illumination of the photosensitive medium with "writing" or "bleaching" radiation there is created a sequence of elemental cells 3 generally containing the same isomeric form (fluorescent or non fluorescent, respectively) interspersing with unexposed locations 6 containing the initially present isomeric form (non fluorescent or fluorescent, respectively). It can be revealed that

the information recorded within such medium is presented by binary values. One of these values is associated with fluorescent or bleached form within elemental cells 3 and the other binary value is associated with bleached or fluorescent isomeric form within unexposed locations 6. (See, Glushko, Col. 13, lines 46-59.)

It is to be noted that in FIG. 7, cells 3 are shown in the figure as represented by hatched boxes while unexposed locations 6 are shown in the figure as represented by a boxed in area without hatching. It is clear that this notation is utilized throughout the figures of Glushko, for example, in FIG. 9, wherein the cells 3 are again shown in the figure as represented by hatched areas.

These same hatched boxes and boxed in areas without hatching are shown in FIG. 10 wherein the Final Office Action alleges that "the protective layer (9) has several apertures as shown in Fig. 10." (See, the Final Office Action, bottom of page 2.)

This interpretation of what is depicted in FIG. 10 of Glushko or any figure of Glushko for that matter is respectfully traversed.

In fact, it is respectfully submitted that nowhere within the four corners of Glushko are such apertures taught, disclosed or suggested.

In manufacture of the fluorescent 3D optical disc, Glushko states that (emphasis added) "a plastic or glass disc 7 is used as a substrate or a base for the multilayered structure ... The substrate is covered by a conventional technique with transparent non fluorescent layer 8 consisting of a high quality optical material." (See, Glushko, FIG. 9 and Col. 14, lines 31-40.)

"The transparent layer [8] is covered by a first layer A consisting of a fluorescent medium material." (See, Glushko, Col. 14, lines 49-50.) "After illuminating the first fluorescent layer A is covered by a second non fluorescent layer B which is deposited similarly to the first non fluorescent layer 8." (See, Glushko, Col. 15, lines 11-13, emphasis added.)

Accordingly, as clear from the above discussion, layer A in the figures of Glushko designates a fluorescent medium material and layer B designates a non fluorescent layer.

This same layer designation is shown in FIGs. 10 and 11 wherein information portions and non-information portions are again shown respectively as hatched boxes and boxed in areas without hatching as so indicated (e.g., see, FIG. 11).

In discussing the protective layer 9 of Glushko which the Final Office Action equates to the "readout layer" of the present claims, Glushko states that:

The fluorescent layers can consist of the same medium material or be made from dissimilar medium materials. This situation is schematically shown in FIG. 12, where one can see a stack of fluorescent layers made of different medium materials A1, A2, A3 supported by substrate layer 7 and divided therebetween by intermediate layers B. The whole structure is covered by protective layer 9. (See, Glushko, Col. 15, lines 52-59, emphasis added.)

Accordingly, in contrast with what is asserted by the Final Office Action, Glushko in FIG. 10, or any figure for that matter, does not show optical apertures as alleged.

It is respectfully submitted that the optical information storage unit of claim 1 is not anticipated or made obvious by the teachings of Glushko. For example, Glushko does not teach, disclose or suggest, an optical information storage unit that amongst other patentable elements, comprises (illustrative emphasis added) "an information layer comprising a plurality of data areas, each data area being arranged to emit light when illuminated by light at a predetermined wavelength; and a readout layer separated from the information layer so that the readout layer and the

information layer are not in contact with each other, the readout layer comprising a plurality of optical apertures, each optical aperture being arranged to image substantially only the near field of light emitted from a respective data area" as recited in claim 1, and as similarly recited in claim 17.

While the Office Action alleges that the protective layer 9 of Glushko shows such apertures, this assertion finds no support within the four corners of Glushko. In fact, Glushko directly repudiates the assertion of the Final Office Action by making clear that the hatched boxes represented in the figures are cells 3 while the boxed in areas without hatching represents unexposed locations 6.

It is further respectfully submitted that the method of claim 15 is not anticipated or made obvious by the teachings of Glushko. For example, Glushko does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "an information layer comprising a plurality of data areas, each data area being arranged to emit light when illuminated by the light at a predetermined wavelength; and a readout layer comprising a plurality of optical apertures, each optical aperture being arranged to image substantially only the

near field of light emitted from a respective data area, wherein the method comprises the steps of: illuminating at least one data area with light at the predetermined wavelength; and detecting the optical intensity of light imaged by the respective optical aperture that corresponds to the illuminated data area, wherein act of illuminating comprises an act of positioning the light such that the light does not pass through the aperture prior to illuminating the data area" as recited in claim 15, and as similarly recited in claims 18 and 19.

As should be clear from the above discussion of Glushko, no such aperture is shown in Glushko.

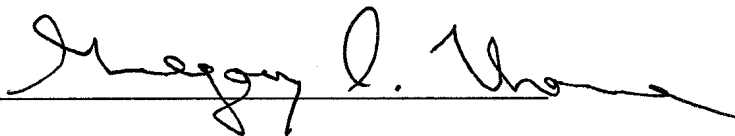
Based on the foregoing, the Applicant respectfully submits that independent claims 1, 15, 17, 18 and 19 are patentable over Glushko and notice to this effect is earnestly solicited. Claims 2-14 and 16 respectively depend from one of claims 1 and 15 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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